

## REMARKS

Claims 1-46 are pending in the present application. In the Office Action mailed September 22, 2005, the Examiner took the following action: (1) rejected claims 1-46 under 35 U.S.C. 102(b) as being anticipated by Dallmann (U.S. 5,322,244); (2) rejected claims 1-46 under 35 U.S.C. 102(b) as being anticipated by Courter (U.S. 4,875,645); and (3) declared claims 1-46 to be in conflict with at least some of the claims of U.S. Application No. 10/811,529 under 37 CFR 1.78(b). Applicants respectfully request reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks.

### *I. Rejections under 35 U.S.C. 102(b)*

Claims 1-46 have been rejected under 35 U.S.C. 102(b) as being anticipated by Dallmann (U.S. 5,322,244) and by Courter (U.S. 4,875,645). Applicants respectfully request reconsideration of these rejections in view of the foregoing amendments and the following remarks.

### Claims 1-9 and 12

As amended, claim 1 recites a method of forming an assembly for carrying a payload, comprising: forming a support structure having a plurality of elongated engagement members, each engagement member including an engagement surface adapted to support a load; forming an adaptable payload assembly that includes a payload member and at least one payload support coupled to the payload member, *the payload member including at least one of a galley, a lavatory, a passenger seat, a cargo container, a section partition, a fireplace, and an article of furniture, the payload support including a substantially flat portion having a pair of lateral edges, the substantially flat portion being adapted to span between at least two engagement members such that each of the lateral edges is adjacent to the engagement surface of a corresponding one of the engagement members, the payload support being adapted to transmit*

loads from the payload member to the engagement surfaces of the two engagement members, the payload support being moveable with the payload member relative to the support structure; removeably coupling the payload support to at least one of the engagement surfaces of the engagement members; and *coupling at least one related system to the adaptable payload assembly, wherein coupling the at least one related system includes coupling at least one of an electrical system, an electronic system, a water system, an air vent system, an air conditioning system, a floor panel heat system, and a waste system to the adaptable payload assembly.* (emphasis added).

Dallman (U.S. 5,322,244)

As best shown in Figure 6 of Dallman, Dallman teaches a supply system for passenger aircraft that includes a supply trolley 27 coupled to a support 9, the support 9 in turn being coupled to a pair of elongated rails 13.

Dallman fails to disclose, teach, or fairly suggest the method recited in claim 1. More specifically, Dallman fails to teach or fairly suggest a method that includes forming an adaptable payload assembly that includes a ... *payload member including at least one of a galley, a lavatory, a passenger seat, a cargo container, a section partition, a fireplace, and an article of furniture, and a payload support including a substantially flat portion having a pair of lateral edges, the substantially flat portion being adapted to span between at least two engagement members such that each of the lateral edges is adjacent to the engagement surface of a corresponding one of the engagement members.* Dallman also fails to teach or fairly suggest a method that further includes *coupling at least one related system to the adaptable payload assembly, wherein coupling the at least one related system includes coupling at least one of an electrical system, an electronic system, a water system, an air vent system, an air conditioning system, a floor panel heat system, and a waste system to the adaptable payload assembly.* (emphasis added).



Courter (U.S. 4,875,645)

As best shown in Figure 3 of Courter, Courter teaches a modular cargo container system for aircraft that includes a payload member 80 having recesses 102, 104, the payload member 80 being coupled to a support 32 that spans elongated supports 12, 20, 22.

Courter fails to disclose, teach, or fairly suggest the apparatus recited in claim 1. More specifically, Courter fails to teach or fairly suggest a method that includes forming an adaptable payload assembly that includes a ... *payload member including at least one of a galley, a lavatory, a passenger seat, a cargo container, a section partition, a fireplace, and an article of furniture, and a payload support including a substantially flat portion having a pair of lateral edges, the substantially flat portion being adapted to span between at least two engagement members such that each of the lateral edges is adjacent to the engagement surface of a corresponding one of the engagement members.* Dallman also fails to teach or fairly suggest a method that further includes *coupling at least one related system to the adaptable payload assembly, wherein coupling the at least one related system includes coupling at least one of an electrical system, an electronic system, a water system, an air vent system, an air conditioning system, a floor panel heat system, and a waste system to the adaptable payload assembly.* (emphasis added).

For the foregoing reasons, Applicants respectfully submit that claim 1 is allowable over Dallman and Courter. Claims 2-9 and 12 depend from claim 1 and are allowable over the cited references for the same reasons as claim 1 and also due to additional limitations recited in those claims.

### Claims 13-17

As amended, claim 13 recites a method of forming an aircraft, comprising: forming an airframe; forming a fuselage operatively coupled to the airframe; operatively coupling a propulsion system to at least one of the airframe and the fuselage; and forming a support structure coupled to at least one of the airframe and the fuselage and having a plurality of elongated engagement members, each engagement member including an engagement surface adapted to support a load; forming an adaptable payload assembly that includes a payload member and at least one payload support coupled to the payload member, *the payload member including at least one of a galley, a lavatory, a passenger seat, a cargo container, a section partition, a fireplace, and an article of furniture, the payload support including a substantially flat portion having a pair of lateral edges, the substantially flat portion being adapted to span between at least two engagement members such that each of the lateral edges is adjacent to the engagement surface of a corresponding one of the engagement members, the payload support being adapted to transmit loads from the payload member to the engagement surfaces of the two engagement members, the payload support being moveable with the payload member relative to the support structure; removeably coupling the payload support to at least one of the engagement surfaces of the engagement members; and coupling at least one related system to the adaptable payload assembly, wherein coupling the at least one related system includes coupling at least one of an electrical system, an electronic system, a water system, an air vent system, an air conditioning system, a floor panel heat system, and a waste system to the adaptable payload assembly.* (emphasis added).

As described more fully above, Dallman and Courter fail to disclose, teach, or fairly suggest the method recited in claim 13. More specifically, Dallman and Courter fail to teach or fairly suggest a method that includes forming an adaptable payload assembly that includes a ... *payload member including at least one of a galley, a lavatory, a passenger seat, a cargo container, a section partition, a fireplace, and an article of furniture, and a payload support*

*including a substantially flat portion having a pair of lateral edges, the substantially flat portion being adapted to span between at least two engagement members such that each of the lateral edges is adjacent to the engagement surface of a corresponding one of the engagement members.* Dallman also fails to teach or fairly suggest a method that further includes *coupling at least one related system to the adaptable payload assembly, wherein coupling the at least one related system includes coupling at least one of an electrical system, an electronic system, a water system, an air vent system, an air conditioning system, a floor panel heat system, and a waste system to the adaptable payload assembly.* (emphasis added).

For the foregoing reasons, Applicants respectfully submit that claim 13 is allowable over Dallman and Courter. Claims 14-17 depend from claim 13 and are allowable over the cited references for the same reasons as claim 13 and also due to additional limitations recited in those claims.

#### Claims 21-26

As amended, claim 21 recites a method of adaptably positioning a payload, comprising: providing a support structure having a plurality of elongated engagement members, each engagement member including an engagement surface adapted to support a load; providing an adaptable payload assembly removeably coupled to the support structure at a first desired location, the adaptable payload assembly having a payload member and at least one payload support coupled to the payload member, *the payload member including at least one of a galley, a lavatory, a passenger seat, a cargo container, a section partition, a fireplace, and an article of furniture, the payload support including a substantially flat portion having a pair of lateral edges, the substantially flat portion being adapted to span between at least two engagement members such that each of the lateral edges is adjacent to the engagement surface of a corresponding one of the engagement members,* the payload support being adapted to transmit loads from the payload member to the engagement surfaces of the two engagement members of

the support structure, the payload support being moveable with the payload member relative to the support structure; and selecting a second desired location on the support structure; decoupling the at least one payload support of the adaptable payload assembly from the at least one of the engagement surfaces; repositioning the adaptable payload assembly including the payload support from the first desired location to the second desired location; with the adaptable payload assembly positioned at the second desired location, coupling the at least one payload support of the adaptable payload assembly to at least one of the engagement surfaces of the engagement members; and *coupling at least one related system to the adaptable payload assembly, wherein coupling the at least one related system includes coupling at least one of an electrical system, an electronic system, a water system, an air vent system, an air conditioning system, a floor panel heat system, and a waste system to the adaptable payload assembly.* (emphasis added).

As described more fully above, Dallman and Courter fail to disclose, teach, or fairly suggest the method recited in claim 21. More specifically, Dallman and Courter fail to teach or fairly suggest a method that includes providing an adaptable payload assembly that includes a ... *payload member including at least one of a galley, a lavatory, a passenger seat, a cargo container, a section partition, a fireplace, and an article of furniture, and a payload support including a substantially flat portion having a pair of lateral edges, the substantially flat portion being adapted to span between at least two engagement members such that each of the lateral edges is adjacent to the engagement surface of a corresponding one of the engagement members.* Dallman also fails to teach or fairly suggest a method that further includes *coupling at least one related system to the adaptable payload assembly, wherein coupling the at least one related system includes coupling at least one of an electrical system, an electronic system, a water system, an air vent system, an air conditioning system, a floor panel heat system, and a waste system to the adaptable payload assembly.* (emphasis added).

For the foregoing reasons, Applicants respectfully submit that claim 21 is allowable over Dallman and Courter. Claims 22-26 depend from claim 21 and are allowable over the cited references for the same reasons as claim 21 and also due to additional limitations recited in those claims.

#### Claims 28-31

As amended, claim 28 recites a method of adaptably positioning a payload within a cabin of an aircraft, comprising: providing a floor assembly having a plurality of elongated engagement members, each engagement member including an engagement surface adapted to support a load; providing an adaptable payload assembly removeably coupled to the floor assembly at a first desired location, the adaptable payload assembly having a payload member and at least one payload support coupled to the payload member, *the payload member including at least one of a galley, a lavatory, a passenger seat, a cargo container, a section partition, a fireplace, and an article of furniture, the payload support including a substantially flat portion having a pair of lateral edges, the substantially flat portion being adapted to span between at least two engagement members such that each of the lateral edges is adjacent to the engagement surface of a corresponding one of the engagement members*, the payload support being adapted to transmit loads from the payload member to the engagement surfaces of the two engagement members of the floor assembly, the payload support being moveable with the payload member relative to the floor assembly; and selecting a second desired location on the floor assembly; decoupling the at least one payload support of the adaptable payload assembly from the at least one of the engagement surfaces; repositioning the adaptable payload assembly including the payload support from the first desired location to the second desired location; with the adaptable payload assembly positioned at the second desired location, coupling the at least one payload support of the adaptable payload assembly to at least one of the engagement surfaces of the engagement members; and *coupling at least one related system to the adaptable payload*

*assembly, wherein coupling the at least one related system includes coupling at least one of an electrical system, an electronic system, a water system, an air vent system, an air conditioning system, a floor panel heat system, and a waste system to the adaptable payload assembly.* (emphasis added).

As described more fully above, Dallman and Courter fail to disclose, teach, or fairly suggest the method recited in claim 28. More specifically, Dallman and Courter fail to teach or fairly suggest a method that includes providing an adaptable payload assembly that includes a ... *payload member including at least one of a galley, a lavatory, a passenger seat, a cargo container, a section partition, a fireplace, and an article of furniture, and a payload support including a substantially flat portion having a pair of lateral edges, the substantially flat portion being adapted to span between at least two engagement members such that each of the lateral edges is adjacent to the engagement surface of a corresponding one of the engagement members.* Dallman also fails to teach or fairly suggest a method that further includes *coupling at least one related system to the adaptable payload assembly, wherein coupling the at least one related system includes coupling at least one of an electrical system, an electronic system, a water system, an air vent system, an air conditioning system, a floor panel heat system, and a waste system to the adaptable payload assembly.* (emphasis added).

For the foregoing reasons, Applicants respectfully submit that claim 28 is allowable over Dallman and Courter. Claims 29-31 depend from claim 28 and are allowable over the cited references for the same reasons as claim 28 and also due to additional limitations recited in those claims.

#### Claims 33-39

As amended, claim 33 recites a method of transporting a payload, comprising: providing a vehicle having a support structure including a plurality of elongated engagement members, each engagement member including an engagement surface adapted to support a load; providing



an adaptable payload assembly removeably coupled to the support structure at a first desired location, the adaptable payload assembly having a payload member and at least one payload support coupled to the payload member, *the payload member including at least one of a galley, a lavatory, a passenger seat, a cargo container, a section partition, a fireplace, and an article of furniture, the payload support including a substantially flat portion having a pair of lateral edges, the substantially flat portion being adapted to span between at least two engagement members such that each of the lateral edges is adjacent to the engagement surface of a corresponding one of the engagement members*, the payload support being adapted to transmit loads from the payload member to the engagement surfaces of the two engagement members of the support structure, the payload support being moveable with the payload member relative to the support structure; *coupling at least one related system to the adaptable payload assembly, wherein coupling the at least one related system includes coupling at least one of an electrical system, an electronic system, a water system, an air vent system, an air conditioning system, a floor panel heat system, and a waste system to the adaptable payload assembly*; and transporting the adaptable payload assembly to a first destination using the vehicle. (emphasis added).

As described more fully above, Dallman and Courter fail to disclose, teach, or fairly suggest the method recited in claim 33. More specifically, Dallman and Courter fail to teach or fairly suggest a method that includes providing an adaptable payload assembly that includes a ... *payload member including at least one of a galley, a lavatory, a passenger seat, a cargo container, a section partition, a fireplace, and an article of furniture, and a payload support including a substantially flat portion having a pair of lateral edges, the substantially flat portion being adapted to span between at least two engagement members such that each of the lateral edges is adjacent to the engagement surface of a corresponding one of the engagement members*. Dallman also fails to teach or fairly suggest a method that further includes *coupling at least one related system to the adaptable payload assembly, wherein coupling the at least one related system includes coupling at least one of an electrical system, an electronic system, a water*

*system, an air vent system, an air conditioning system, a floor panel heat system, and a waste system to the adaptable payload assembly. (emphasis added).*

For the foregoing reasons, Applicants respectfully submit that claim 33 is allowable over Dallman and Courter. Claims 34-39 depend from claim 33 and are allowable over the cited references for the same reasons as claim 33 and also due to additional limitations recited in those claims.

#### Claims 41-46

As amended, claim 41 recites a method of transporting a payload using an aircraft, comprising: providing a support structure with the aircraft having a plurality of elongated engagement members, each engagement member including an engagement surface adapted to support a load; providing an adaptable payload assembly removeably coupled to the support structure at a first desired location within the aircraft, the adaptable payload assembly having a payload member and at least one payload support coupled to the payload member, *the payload member including at least one of a galley, a lavatory, a passenger seat, a cargo container, a section partition, a fireplace, and an article of furniture, the payload support including a substantially flat portion having a pair of lateral edges, the substantially flat portion being adapted to span between at least two engagement members such that each of the lateral edges is adjacent to the engagement surface of a corresponding one of the engagement members, the payload support being adapted to transmit loads from the payload member to the engagement surfaces of the two engagement members of the support structure, the payload support being moveable with the payload member relative to the support structure; coupling at least one related system to the adaptable payload assembly, wherein coupling the at least one related system includes coupling at least one of an electrical system, an electronic system, a water system, an air vent system, an air conditioning system, a floor panel heat system, and a waste*

*system to the adaptable payload assembly; and transporting the adaptable payload assembly to a first destination using the aircraft (emphasis added).*

As described more fully above, Dallman and Courter fail to disclose, teach, or fairly suggest the method recited in claim 41. More specifically, Dallman and Courter fail to teach or fairly suggest a method that includes providing an adaptable payload assembly that includes a ... *payload member including at least one of a galley, a lavatory, a passenger seat, a cargo container, a section partition, a fireplace, and an article of furniture, and a payload support including a substantially flat portion having a pair of lateral edges, the substantially flat portion being adapted to span between at least two engagement members such that each of the lateral edges is adjacent to the engagement surface of a corresponding one of the engagement members.* Dallman also fails to teach or fairly suggest a method that further includes *coupling at least one related system to the adaptable payload assembly, wherein coupling the at least one related system includes coupling at least one of an electrical system, an electronic system, a water system, an air vent system, an air conditioning system, a floor panel heat system, and a waste system to the adaptable payload assembly.* (emphasis added).

For the foregoing reasons, Applicants respectfully submit that claim 41 is allowable over Dallman and Courter. Claims 42-46 depend from claim 41 and are allowable over the cited references for the same reasons as claim 41 and also due to additional limitations recited in those claims.

## *II. Conflict of claims under 37 CFR 1.78(b)*

Claims 1-46 have been declared to be in conflict with at least some of the claims of U.S. Application No. 10/811,529 under 37 CFR 1.78(b). Applicants have amended claims 1, 13, 21, 28, 33, and 41 to remove the limitations which raise a conflict with at least some of the claims of U.S. Application No. 10/811,529 under 37 CFR 1.78(b). More specifically, amended claims 1, 13, 21, 28, 33, and 41 to remove the limitation: the payload support *including at least one*

*intercostal member adapted to span between at least two engagement members and having projecting end portions engaged with the engagement surfaces of the two engagement members, the intercostal member.* (emphasis added). Accordingly, Applicants respectfully request reconsideration and withdrawal of the declaration of conflict under 37 CFR 1.78(b).

### CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-7, 12-17, 21-26, 28-31, 33-39, and 41-46, and allowance of same. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to call the undersigned at his convenience.

Respectfully submitted,  
BLACK LOWE & GRAHAM<sup>PLLC</sup>

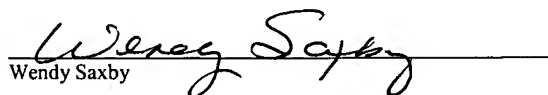


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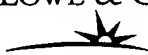
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